

## REMARKS

1. The term elastomeric has been deleted in view of the Examiner's new matter rejection.
2. The number of the above ground target has been corrected.
3. Nitenson (3417719) uses a threaded cartridge to which a threaded nozzle is attached at the rear portion of the cartridge, and may be retrieved and removed for reuse on another or different size cartridge after firing if used for target practice. Nitenson uses "heads" of different design directly attached to the front end of the cartridge, without an outer body requirement, to which an arrow-head is attached at its front end dependent on successful activation of the detonation pin as it impacts a cartridge located at the front, or top portion of his design.
6. The fins stated in Nitenson (3417719) are not stated to be retractable as in the present Claims.
7. Nor does the Nitenson (3417719) Patent teach that the fins would extend beyond the diameter of the cartridge, after leaving the firing device.
8. The Nitenson/Cumings retractable nozzle design, allows the projectile to be used in water, in water to air, from air to water.
9. Dryer (6695252) does not include the use of springs specifically as the prime means of activation.
10. Nitenson (3417719) does infer the use of a fins. However, the inference did not mean their use as specified in Nitenson/Cumings application. Specifically the fins as might be utilized in Nitenson (3417719) would not include the movable/retractable fins on a nozzle, that are stored in a retracted position in a firing tube, that would extend themselves automatically beyond the diameter of the cartridge to which the nozzle is attached, as the cartridge/projectile leaves the firing tube.

11. The prior art did not, and does not suggest a retracted fin design added to the nozzle, where there are only two moving parts -i.e., the cantilevered controlled fins are located within slots, which include a means to support a spring within the slot of each fin, formed or machined into the nozzle, and the springs extend automatically after leaving the firing tube. Inherent in the fin design is the ability to control the angle of extension beyond the diameter of the cartridge/projectile after leaving the firing tube.

12. Therefore allowance of the Application is requested.

Respectfully submitted,

  
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ATTORNEY FOR APPLICANT

It is certified that this Amendment Responsive to the Office Action mailed Oct. 22, 2004 has been faxed this 28th day of Oct. 2004 to Exr. Barefoot in Art Unit 3644 at 1-703-305-7687

  
Henry W. Cummings